

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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Joseph (“Jay”) V. Paterno and William Kenney	:	CIVIL ACTION
	:	
	:	No. 14-4365-LS
	:	
v.	:	
	:	
The Pennsylvania State University	:	<b>JURY TRIAL DEMANDED</b>

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**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2015, upon consideration of Plaintiffs’ Uncontested Motion for Leave to Exceed Page Limitations filed in connection with the Response in Opposition to the Motion to Dismiss filed by Plaintiffs, **IT IS HEREBY ORDERED** and **DECREED** that the Motion for Leave is **granted**.

**IT IS FURTHER ORDERED** that Plaintiffs may file a Memorandum of Law in support of their Response in Opposition to Defendant’s Motion to Dismiss not to exceed **63** pages, exclusive of table of contents, table of authorities and attachment(s).

**BY THE COURT:**

\_\_\_\_\_  
J.

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**PLAINTIFFS' UNCONTESTED MOTION  
FOR LEAVE TO EXCEED PAGE LIMITATIONS**

Plaintiffs Joseph "Jay" V. Paterno ("Paterno") and William Kenney ("Kenney") (Paterno and Kenney, collectively, "Plaintiffs"), by and through their attorneys, Mitts Law, LLC, and The Mazurek Law Firm, LLC, hereby file this Uncontested Motion for Leave to Exceed Page Limitations (the "Motion for Leave") and incorporate their attached Memorandum of Law in support of this Motion for Leave, as though set forth at length herein. Plaintiffs respectfully request that this Court grant the Motion for Leave to file Plaintiffs' Memorandum of Law not to exceed 63 pages, exclusive of table of contents, table of authorities, and attachments for the reasons set forth in the attached Memorandum of Law.

**WHEREFORE**, upon consideration of Plaintiffs' Motion for Leave and the Memorandum of Law submitted in support thereof, Plaintiffs respectfully request that the Court grant the Motion for Leave in its entirety.

Respectfully submitted,

**MITTS LAW, LLC**

By: /s/ Gerard M. McCabe  
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**ATTORNEYS FOR PLAINTIFFS JOSEPH  
“JAY” V. PATERNO AND WILLIAM KENNEY**

**Dated:** March 2, 2015

**IN THE UNITED STATES DISTRICT COURT  
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**MEMORANDUM IN SUPPORT OF PLAINTIFFS’  
UNCONTESTED MOTION FOR LEAVE TO EXCEED PAGE LIMITATIONS**

Plaintiffs Joseph “Jay” V. Paterno (“Paterno”) and William Kenney (“Kenney”) (Paterno and Kenney, collectively, “Plaintiffs”) hereby respectfully submit this Memorandum in support of their Uncontested Motion for Leave to Exceed Page Limitations.

**ARGUMENT**

Pursuant to Your Honor’s Policies and Procedures, if a party requires more than twenty-five (25) pages to explain its position to the court in a memorandum of law, including the table of contents and any attachments or addenda, a motion to exceed the page limit should be filed, setting forth good cause for granting an exception to this rule.<sup>1</sup> Good cause exists in the present matter, and accordingly, Plaintiffs respectfully request that this court grant their Motion for Leave to Exceed Page Limitations.

Defendant The Pennsylvania State University (“Defendant”), in its Memorandum in Support of their Motion to Dismiss (the “Motion Memorandum”), raises numerous arguments to which Plaintiffs must respond in order to survive Defendant’s request that this Court dismiss the First Amended Complaint in its entirety. Defendant’s Motion Memorandum is ninety nine (99) pages long, including the table of contents and attachments. Plaintiffs must respond in detail to

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<sup>1</sup>While Your Honor’s Policies and Procedures do not specifically state that this requirement applies to responses to motions, out of an abundance of caution and in an attempt to honor the spirit of the Policies and Procedures, Plaintiffs seek leave of Court to file their Response in Opposition that exceeds the page limitations for a motion.

each of the arguments set forth in the Motion Memorandum, including an analysis of cited cases and further citation and analysis of cases Plaintiffs deem relevant to their Response in Opposition.

Defendant also attaches to its Motion Memorandum and relies upon two (2) Opinions and Orders (the “Opinions”) by Judge Leete in Pennsylvania state court which were attached as exhibits to the Motion Memorandum. The Opinions are lengthy, at respectively 25 and 39 pages each. Defendant relied upon these Opinions in its Motion Memorandum. Similarly, Plaintiffs intend to rely upon and characterize in detail these Opinions which will entail additional pages.

Accordingly, Plaintiffs must not only provide a detailed recitation of the relevant facts, respond to the legal arguments raised in the Motion Memorandum and clarify the relevance and importance of the Opinions, but Plaintiffs must also further engage in the analysis and interpretation of additional authority demonstrating Plaintiffs’ entitlement to relief. These efforts cannot be done within your Honor’s page limitation.

### **CONCLUSION**

For the reasons set forth above, Plaintiffs respectfully request that this Court grant their Uncontested Motion for Leave to Exceed Page Limitations and enter an Order in the form attached hereto.

Respectfully submitted,

**MITTS LAW, LLC**

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**ATTORNEYS FOR PLAINTIFFS JOSEPH  
“JAY” V. PATERNO AND WILLIAM KENNEY**

**Dated:** March 2, 2015

**CERTIFICATE OF UNCONTESTED MOTION**

I, Gerard M. McCabe, hereby certify pursuant to Local Rule 7.1(b), after consulting with opposing counsel, that the foregoing Motion For Leave to Exceed Page Limitations is uncontested.

By: /s/ Gerard M. McCabe  
Gerard M. McCabe

Dated: March 2, 2015

**CERTIFICATE OF SERVICE**

I, Gerard M. McCabe, hereby certify that, on the date noted below, I caused a true and correct copy of the foregoing Uncontested Motion for Leave to Exceed Page Limitations, filed as of the date set forth below, to be served upon Defendant's counsel by the Court's e-filing system and email, upon the following:

Joseph F. O'Dea, Jr., Esquire  
Nicholas J. Nastasi, Esquire  
Saul Ewing LLP  
Centre Square West  
1500 Market Street, 38th Floor  
Philadelphia, PA 19102

By: /s/ Gerard M. McCabe  
Gerard M. McCabe

Dated: March 2, 2015